

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

**ENRIQUE A. UBARRI BLANES and
MARIA T. BARAGAÑO AMADEO**

Debtors

Case No. 10-09495(MCF)

Chapter 11

**MOTION TO EXCUSE APPEARANCE OF THE DBETOR AT THE 341 MEETING OF
CREDITORS AND REQUEST TO BE REPRESENTED BY GUARDIN AD LITEM**

TO THE HONORABLE COURT:

COME Now the Debtors represented by the undersigned counsel, and respectfully state and pray as follows:

1. On October 9, 2010, the Debtors filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

2. In the instant case, the debtor Enrique A. Ubarri Blanes ("Mr. Ubarri") has been diagnosed with Alzheimers Dementia, and a major depressive disorder. Such health conditions impede him to attend to the Meeting of Creditors and/or any other hearing to be scheduled in this case. Attached hereto as ***Exhibit 1*** is a copy of the medical certificate, which corroborates his condition and his inability to participate in court proceedings, in business meetings or any other stressful circumstances.

3. Joint debtor María T. Baragaño Amadeo ("Mrs. Baragaño"), is the person who takes care of both of their financial responsibilities, and knows her husband's personal information. She has in depth knowledge of their financial affairs, including their assets, debts, income and expenses, and is willing and able to testify regarding such matters, and to serve as *guardian ad litem* in this case.

4. The Debtors requests that Mrs. Baragaño be authorized to represent her husband, Mr. Ubarri, at the Meeting of Creditors and at any other hearing that may be scheduled in this case and to respond to all questions raised by the Office of the US Trustee and any creditor as to their financial situation.

5. Moreover, the Debtors respectfully request that Mr. Ubarri be excused from attendance at the 341 meeting of creditors for medical reasons.

6. The Federal Bankruptcy Rules and case law support Debtors' requests.

7. Specifically Federal Bankruptcy Rule 1004.1 provides that “[t]he court shall appoint a guardian ad litem for an infant or incompetent person who is a debtor and is not otherwise represented or shall make any other order to protect the infant or incompetent debtor.”

8. Likewise, the Honorable Court has the legal authority to waive attendance of a Debtor at the 341 meeting when good and sufficient reason exists for the debtor’s inability to attend. See In re Stewart, 14 BR 959, 960 (Bankr. N.D. Ohio, 1981); In re Edwards, 2 B.R. 103 (Bankr., S.D. Fla., 1979); and In re Owens, 221 B.R. 199, 201 (Bankr., W.D. Tenn, 1998).

WHEREFORE, the Debtors hereby pray from this Honorable Court to enter an Order granting the instant motion: 1) appointing Mrs. Baragaño as the *guardian ad litem* for her husband in this case; 2) excusing Mr. Ubarri from attendance at the 341 meeting of creditors; and 3) provide any other relief that it deems just and proper.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the US Trustee and to all CM/ECF participants. I further certify that I will send notification of this document via US Mail to all creditors and parties in interest as per the master address list in this case, who are not CM/ECF participants.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk’s office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection is or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 16th day of November, 2010.

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*LUIS E. CÁNEPA, MD, D.L.F.A.P.A.
P.O. BOX 13566
SAN JUAN, PUERTO RICO 00908*

November 12, 2010

Bankruptcy Court

Re: Enrique A. Ubarri Blanes
DOB: August 6, 1941

To Whom It May Concern:

This is to certify that Mr. Enrique A. Ubarri Blanes has been undergoing psychiatric treatment with me since April 25, 2009. He has been diagnosed with Alzheimer's dementia and also a major depressive disorder. He exhibits marked cognitive deficits and prominent signs of impulsivity and explosiveness.

I have instructed the patient to avoid stressful situations such as business meetings, court appearances, and other highly emotionally charged circumstances.

If you have any questions, please contact me at (787) 466-0624.

Respectfully,

A handwritten signature in black ink, appearing to be 'Luis E. Cánepa', with a stylized flourish at the end.

Luis E. Cánepa, M.D.
P.R. Lic #12360
Diplomate American
Board of Psychiatry
and Neurology

CURRICULUM VITAE

LUIS E CÁNEPA

PERSONAL:

Office : P.O. BOX 13566
San Juan, P.R. 00908
(787) 466-0624

Residence : Urbanización Santa Ana
Calle Tulane D-5
San Juan, Puerto Rico 00927
(787) 756-7821

Facsimile : (787) 755-8710

Social Security : [REDACTED]-5773

Languages : English and Spanish-speak, read
And write fluently

PROFESSIONAL LICENSURE :

- Board Certified, American Boards of Psychiatry and Neurology,
November 1978
- Board Certified, American Board of Adolescent Psychiatry,
July 1993
- New York State License No. 124995 on Flex Examination,
September 15, 1975
- State of New Jersey License No. 48270, issued July 1, 1986
- Puerto Rico License No. 12360, issued August 13, 1996
- DEA Number AC6-823733

EDUCATION:

College	:	Fairfield University Fairfield, Connecticut, B.S. June 1969
Medical School	:	University of Puerto Rico School of Medicine, M.D. May 1973
Residency	:	General Psychiatry at the Albert Einstein College of Medicine, Tremont Crisis Center Program, New York City, June, 1976
Sub-specialty Training	:	Certificate in Psychoanalysis, William Alanson White Institute, New York City November 1982

PROFESSIONAL EMPLOYMENT AND HOSPITAL APPOINTMENTS:

- Associate in Psychiatry, Lincoln Community Mental Health Center, Unit II, Bronx, New York, 1976-1977
- Clinical Instructor in Psychiatry, Albert Einstein College of Medicine, Bronx, New York, 1976-1977
- Assistant Chief, Department of Psychiatry, Gouverneur Hospital, New York City, 1977-1978
- Clinical Instructor in Psychiatry, New York University, New York City, 1977-1978
- Medical Director, Puerto Rican Family Institute, New York City, 1978-1979
- Associate in Psychiatry, Bronx-Lebanon Hospital Center, Bronx, New York, 1979-1985
- Assistant Clinical Professor in Psychiatry, Albert Einstein College of Medicine, Bronx, New York, 1980-1985

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- Associate in Psychiatry, Roberto Clemente Family Guidance Center of Gouverneur Hospital Center, New York City, February 1985 - July 31, 1996
- Clinical Assistant Attending, Department of Psychiatry, Bellevue Hospital Center, New York City, February 1985 - Present
- Staff Psychiatrist, Leake & Watts Children's Home, Yonkers, New York, February 1985 - July 1989
- Acting Clinical Director, Leake & Watts Children's Home, Yonkers, New York, August 1989 - May 1990
- Clinical Director, Leake & Watts Children's Home, Yonkers, New York, June 1990 - August 9, 1996
- Regional Medical Consultant in Psychiatry, Social Security Administration, New York, January 1983 - July 31, 1996
- Medical Expert, Office of Hearings and Appeals, Social Security Administration, February, 1985 - Present
- Psychiatric Consultant, Family-Based Treatment Program for the Coalition for Hispanic Family Services, Brooklyn, NY, August 1995 - July 1996
- Private Practice of Psychiatry, July 1976 - Present
- Medical Director Value-Options-Puerto Rico, San Juan, P.R., August 19, 1996 - January 31, 2000
- Sports Psychiatry Consultant, Major League Baseball Rookie Career Development, Atlanta, Georgia, February 23-25, 1991
- Sports Psychiatry Consultant, New York METS Baseball Club, Port St. Lucie, Florida, Spring Training Camp 1992, 1993, 1994, 1995, 1996, 1997 & 1998. Worked with Latin-American baseball players in minor leagues on issues of cultural adaptation.

Curriculum Vitae

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- Metropolitan Athletic Congress, Inc., Sports Psychology Team, New York, NY, 1994-1995, 1995-1996
- Consultant, Forensic and Occupational Psychiatry, San Juan, P.R., 1997 - Present

PROFESSIONAL SOCIETY MEMBERSHIP:

American Academy of Psychiatry & The Law
American Association of Psychiatric Administrators
American Psychiatric Association
William Alanson White Psychoanalytic Society
American Group Psychotherapy Association
Vice-President and Founding Member, Association of Hispanic Mental Health Professionals
American Society for Adolescent Psychiatry
American Society for Addiction Medicine
American Public Health Association
American Orthopsychiatry Association
International Society for Sports Psychiatry

SCIENTIFIC PRESENTATIONS:

"Group Psychotherapy with Hispanic Teenage Girls in an Inner City Area", VIII International Congress of Group Psychotherapy, April 22, 1984, Mexico City, Mexico

"Multi-cultural Issues in Professional Sports in the United States: A Preventive Intervention program with Latin American Professional Baseball Players"
American College of Sports Medicine, Sports Psychology Mini-Conference, May 10, 1995, Downtown Athletic Club, New York, NY

October 20, 2005

CURRICULUM VITAE UPDATE

1. Inducted to FELLOW, American Psychiatric Association, December 2, 2001.
2. Inducted to Distinguished Fellow, December 3, 2002.
3. Recipient, The Doctor's Choice Award, BUENA VIDA Magazine, San Juan, P.R., June 2002, June 2003 and June 2004.
4. President-Elect, Puerto Rico District Branch, AMERICAN PSYCHIATRIC ASSOCIATION, 2004-2005.